

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHRYN WORKMAN, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

PLUM INC., D/B/A/ PLUM ORGANICS,
and CAMPBELL SOUP COMPANY,

Defendants.

No. C 15-02568 WHA

**ORDER DENYING STIPULATED
REQUEST FOR A LIMITED
STAY PENDING EARLY
MEDIATION**


In this proposed class action, the parties have filed a stipulated request to the stay the case for 90 days so they can conduct a private mediation. This request is **DENIED**. The parties should not try to negotiate a class settlement until a class has been certified, as stated in the undersigned judge's "Notice Regarding Factors to be Evaluated for any Proposed Class Settlement," which was sent to the parties on July 14, 2015 (Dkt. No. 20). It is best for settlement to be discussed after the class certification stage so that any compromise does not reflect anything other than the merits of the case. *See* Howard Erichson, *Beware the Settlement Class Action*, DAILY JOURNAL, Nov. 24, 2014. As of now, plaintiff's counsel only represent the individual plaintiff. They do not represent any class until a class has been certified and they have been appointed class counsel.

As stated in the "Notice," there will be some cases in which it will be acceptable to conserve resources and to propose a resolution sooner. If counsel believe settlement discussions should precede a class certification, however, a motion for appointment of interim class counsel

1 must first be made and good cause must be shown. No such motion has been made here.
2 Moreover, if interim class counsel is appointed, any mediation must be conducted before a
3 magistrate judge that the undersigned refers the case to. A private mediator will not suffice.

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5 **IT IS SO ORDERED.**

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7 Dated: July 24, 2015.


8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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